

ORDER NO. 1618

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;
Robert G. Taub, Vice Chairman;
Mark Acton;
Tony Hammond; and
Nanci E. Langley

Competitive Product Prices
Global Plus 2C Contracts (MC2012-5)
Negotiated Service Agreements

Docket No. CP2012-10

ORDER GRANTING MOTION FOR TEMPORARY RELIEF

(Issued January 11, 2013)

In Order No. 1135, the Commission added Global Plus 2C to the competitive product list, and concurrently included a Global Plus 2 Agreement (Agreement) within that product.¹ The Agreement became effective January 16, 2012, to expire the earlier of January 31, 2013, or “the date in January, 2013, when Canada Post Corporation

¹ Docket Nos. MC2012-5, CP2012-10, and CP2012-11, Adding Global Plus 2C to the Competitive Product List and Approving Functionally Equivalent Global Plus 2C Agreements, January 13, 2012 (Order No. 1135).

institutes price changes for its domestic Lettermail, Incentive Lettermail, Admail, and/or Publications Mail products.”²

The parties recently agreed to modify the Agreement to provide that it expires January 31, 2013.³ As a consequence, the Postal Service seeks a brief extension of the Agreement to January 31, 2013, consistent with the date it expects a successor agreement to take effect.⁴

The Postal Service acknowledges that its Motion was filed on short notice, but asserts that the wording of Article 12 to the Agreement leaves open the expectation that the Agreement could continue through the end of January 2013. Motion at 2. It also requests, with respect to the Motion’s timing, that the Commission consider the circumstances (which include uncertainty about whether an extension request was necessary) to be somewhat unusual and unlikely to be repeated. *Id.* The Postal Service further states that it intends to initiate a new docket for consideration of a successor agreement, and asserts that a brief extension will maintain continuity of pricing and the other terms and conditions of the Agreement. *Id.*

The extension is approved. As initially drafted, Article 12 of the Agreement provided for the possibility that the contractual period might extend through January 31, 2013. The amendment agreed to by the parties establishes January 31, 2013 as the

² United States Postal Service Response to Order No. 1135 Concerning Effective Dates of Global Plus 2C Contracts Negotiated Service Agreements, January 17, 2012, at 1; see *also* Request of the United States Postal Service to Add Global Plus 2C to the Competitive Products List and Notice of Filing Two Functionally Equivalent Global Plus 2C Contracts Negotiated Service Agreements and Application for Non-Public Treatment of Materials Filed Under Seal, December 30, 2011, Attachment 4A (Article 12) at 9 (Request).

³ Motion of the United States Postal Service for Temporary Relief and Notice of the United States Postal Service of Filing Modification to Global Plus 2C Negotiated Service Agreement, January 9, 2013, at 1 (Motion). Attachment 1 to the Motion is a redacted version of the modification to the Agreement. The Postal Service also filed an unredacted version of the modification under seal, incorporating by reference the Application for Non-Public Treatment filed in its Request.

⁴ On January 10, 2013, the Postal Service filed notice of the successor Global Plus 2C contract requesting that it be added to the existing Global Plus 2C product. See Docket No. CP2013-38, Notice of the United States Postal Service of Filing a Functionally Equivalent Global Plus 2C Contract Negotiated Service Agreement and Application for Non-public Treatment of Materials Filed under Seal, January 10, 2013.

termination date, eliminating the contingency in Article 12 by which it may have terminated earlier. The extension will allow service to continue without interruption pending Commission action in Docket No. CP2013-38. Further, no person will be prejudiced by the extension.

It is ordered:

1. The Motion of the United States Postal Service for Temporary Relief, filed January 9, 2013, is granted.
2. The Agreement, as modified, is authorized to continue through January 31, 2013.

By the Commission.

Ruth Ann Abrams
Acting Secretary